IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 18607 of 2004

Between:

1 B.Appa Rao , E-472034 s/o Lakshminarsayya
All are working as Conductors and Drivers in the 3rd and 4th

Respondents Depots, and are
R/o Meddilapalem, Visakhapatnam district.
2 J.Chandra Rao , E-455827 S/o Suryanarayana
All are working as Conductors and Drivers in the 3rd and 4th

Respondents Depots, and are
R/o Meddilapalem, Visakhapatnam district.
3 P.A.Raju, E-455826 S/o Late Durgalu
All are working as Conductors and Drivers in the 3rd and 4th

Respondents Depots, and are
R/o Meddilapalem, Visakhapatnam district.
4 R.Venkata Rao , E-457459 s/o Ramulu
All are working as Conductors and Drivers in the 3rd and 4th

Respondents Depots, and are
R/o Meddilapalem, Visakhapatnam district.
5 K.S.N.Raju , E-453363 S/o Appala Raju
All are working as Conductors and Drivers in the 3rd and 4th

Respondents Depots, and are
R/o Meddilapalem, Visakhapatnam district.

..... PETITIONERS

AND

1 The APSRTC, rep.by its Managing Director,

Musheerabad, Hyderabad.

2 The Regional Manger, APSRTC,

Visakhapatnam Region,
Visakhapatnam district.
3 The Depot Manager,

APSRTC, Maddilapalem Depot,

Visakhapatnam district
4 The APSRTC rep.by its Depot Manager, Waltari Depot,
Visakhapatnam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents herein in not granting the selection grade scale stagnation increments to the petitioners on completion of 12 years service is illegal, unjust and arbitrary, contrary to well established principles of law and as such set aside the same by directing the respondents herein to add the stagnation increment to the petitioners on completion of 12 years of service irrespective of their transfer from the date of initial appointment and to pay the arrears by refixing the pay of all the petitioners forthwith.

Counsel for the Petitioner :MR.S.M.SUBHAN

Counsel for the Respondents : KUM.B.G.UMA DEVI

The court at the stage of admission made the following:

ORDER:

The petitioners are working as Conductors and Drivers in the 3rd and 4th respondent-Depots. They contend that they have been working continuously for more than 12 years. Therefore, they are entitled to get stagnation increments on completion of 12 years of service. The petitioners further contend that though they made representations for release of stagnation increments, their request was not considered. The petitioners therefore approached this Court seeking to declare that they are entitled for stagnation increments on completion of 12 years of service, which they had already completed long prior to the date of the Writ Petition. A similar question arose for consideration in W.P.NO.5726 of 2000 and it was also considered in Writ Appeal No.1301 of 2000 by a Division Bench of this Court which was preferred against the order in the above writ petition and the Division Bench held that the employees, who have completed 12 years of service in the same category irrespective of their transfers, are entitled for stagnation increments and accordingly directed to consider the cases of the petitioners in the Writ Petition No.

5726 of 2000.

In the light of the circumstances explained by the petitioners and in the light of the judgment of a Division Bench in the above Writ Appeal, the respondents are directed to examine whether the petitioners completed the period of 12 years in the same category irrespective of their transfers and on satisfying that they completed 12 years of service, extend them the benefit of the stagnation increments and pass appropriate orders within eight weeks from the date of receipt of a copy of this order.

The writ petition is accordingly allowed. No order as to costs.

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Dr. G. Yethirajulu, J.

Dt:29th September, 2004.

Rns.

To

1 The Managing Director,

APSRTC, Musheerabad, Hyderabad.

2 The Regional Manger, APSRTC,

Visakhapatnam Region,
Visakhapatnam district.

3 The Depot Manager,

APSRTC Maddilapalem Depot,

Visakhapatnam district

4 The Depot Manager,

APSRTC, Waltair Depot,
Visakhapatnam District.

5 Two CD copies.